



Policy: 2003  
Procedure: 2003.04  
Chapter: Human Resources  
Rule: Employee Misconduct

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## Policy

### **Purpose:**

The purpose of this Procedure is to assist the supervisor/manager in designing a course of action once a problem behavior has been identified so employees may take steps to correct the problem performance, conduct, or inappropriate behavior. This Procedure also requires that all employees of the Arizona Department of Juvenile Corrections (ADJC) and employees of organizations under contract to ADJC shall comply with the standards of conduct listed below to protect the integrity and reputation of the Department. Discipline may be imposed as a corrective or punitive measure in response to an employee's misconduct or deficient job performance.

Actions taken against a covered employee must be in accordance with the Arizona State Personnel Rules and in accordance with causes for dismissal or discipline as prescribed under A.R.S. § 41-770. The Arizona State Personnel Rules and A.R.S. § 41-770 do not apply to uncovered employees. These rules, however, may be used for advisory purposes for personnel matters involving uncovered employees. Actions taken against all employees must be in accordance with the Department's Personnel Rules-Delegation of Authority policy and procedure numbers 1003 and 1003.01, respectively.

For the purpose of this procedure the "Approving Authorities" is defined as the person(s) with the authority to sign and issue a corrective or punitive action/measure as identified in the Department's Personnel Rules-Delegation of Authority policy and procedure numbers 1003 and 1003.01, respectively.

### **Rules:**

1. **Progressive Discipline:** The intent and use of corrective actions is to improve the performance or to change the behavior of the employee.
  - a. Depending on the severity of the behavior or offense, the **APPROVING AUTHORITY** may use corrective/disciplinary action against a covered employee without going through progressive discipline.
    - i. Covered status employees have a right to grieve or appeal corrective/disciplinary actions taken against them.
  - b. An **APPROVING AUTHORITY** may discipline an uncovered employee. Progressive discipline is not required for uncovered employees.
    - i. Uncovered employees have no right to grieve or appeal corrective/disciplinary actions taken against them.
    - ii. Although not required, it is advised that **SUPERVISORS OR APPROVING AUTHORITIES** have documentation which demonstrates that the employee was aware of the problem areas and was given a reasonable period of time to show improvement, except if there is an offense or incident deemed to warrant immediate release.
2. **Employee Relations:** The **EMPLOYEE RELATIONS SPECIALIST OF ADJC** may provide guidance and assistance to supervisors and approving authorities when dealing with employee discipline. Before taking any formal disciplinary action, the **SUPERVISOR OR APPROVING AUTHORITY** shall consult with the Employee Relations Specialist to ensure agency-wide consistency in:
  - a. The application of corrective or corrective actions/measures; and
  - b. The adherence to rules and procedures.
3. **Informal Discipline may include:**
  - a. Verbal Counseling;

- i. The **SUPERVISOR, APPROVING AUTHORITY OR DESIGNEE** shall:
      - (1) Record all instances of verbal counseling, to include the date, the nature of the counseling and the expected results in the one:one file.
      - (2) Ensure any confirming written communication is between the employee involved and the supervisor or approving authority only, with no other authorized distribution.
    - ii. **COVERED EMPLOYEES** may file a written grievance in accordance with ADJC Procedure 2018.01, Employee Grievance.
  - b. Memorandum of Concern/Letter of Instruction:
    - i. The **SUPERVISOR, APPROVING AUTHORITY OR DESIGNEE** shall:
      - (1) Provide a copy of the written counseling memorandum to the employee;
      - (2) Ensure that either:
        - (a) The **EMPLOYEE** signs a copy of the written counseling memorandum; or
        - (b) The **SUPERVISOR, APPROVING AUTHORITY OR DESIGNEE** notes on the document the employee's refusal to sign.
      - (3) File a copy in the employee's institution/work unit personnel file;
      - (4) File and maintain the original informal disciplinary document in the supervisor's one:one file.
    - ii. **COVERED EMPLOYEES** may file a written grievance in accordance with ADJC Procedure 2018.01, Employee Grievance.
4. **Formal Discipline may include:**
- a. Letter of Reprimand:
    - i. To issue a Letter of Reprimand the **SUPERINTENDENT, EMPLOYEE'S SUPERVISOR OR DESIGNEE**, in consultation with the agency's Employee Relations Specialist shall implement the following process:
      - (1) Ensure the Letter of Reprimand for covered employees includes:
        - (a) The employee's name;
        - (b) A brief description of the incident or reason for the Reprimand;
        - (c) The date(s) and time(s) of events;
        - (d) Date(s) of prior counseling;
        - (e) Signature line for the employee and the supervisor;
      - (2) Ensure the employee signs the written reprimand. If the employee refuses to sign the document, the **SUPERVISOR OR DESIGNEE** shall note the refusal on the employee's signature line.
      - (3) Send a copy of the suspension letter to the Employee Relations Specialist. The **EMPLOYEE RELATIONS SPECIALIST** shall remove the names of employees who are reprimanded from promotional registers for a period of 12 months effective the date of the reprimand.
      - (4) Place a copy of the Letter of Reprimand into the employee's official personnel file, supervisors file, and field file and
        - (a) This Letter of Reprimand shall remain there indefinitely, unless legal action or a grievance resolution dictates it be removed.
    - ii. **COVERED EMPLOYEES** may file a written grievance in accordance with ADJC Procedure 2018.01, Employee Grievance.
  - b. Suspension Without Pay For Covered Employees:
    - i. The **APPROVING AUTHORITY OR DESIGNEE** in conjunction with the agency's Employee Relations Specialist shall furnish the employee with a written statement of the reasons and grounds for the suspension and the opportunity to seek relief, in accordance with the following guidelines:
      - (1) For suspensions less than 40 hours:
        - (a) Provide the employee with a written statement of the reasons for the suspension;
        - (b) Specify the employee's grievance rights in the statement.

- (c) The **APPROVING AUTHORITY OR DESIGNEE** shall send a copy of the suspension letter to the Employee Relations Specialist. The **EMPLOYEE RELATIONS SPECIALIST** shall remove the names of employees who are suspended from promotional registers for a period of 12 months effective the date of the suspension.
      - (d) Place a copy of the suspension letter into the employee's official personnel file, supervisors file and field file
        - (i) This suspension letter shall remain there indefinitely unless legal action or grievance resolution dictates that it be removed.
    - (2) **COVERED EMPLOYEES** may file a written grievance in accordance with ADJC Procedure 2018.01, Employee Grievance;
    - (3) For suspensions greater than 40 hours the **APPROVING AUTHORITY OR DESIGNEE** shall:
      - (a) Provide the employee with a written Notice of Charges stating the reason for the proposed suspension;
      - (b) Allow the employee at least three days to respond to the Notice of Charges;
      - (c) After considering the employee's response, choose to continue with the suspension or issue lesser discipline;
      - (d) Specify in the final suspension letter the employee's appeal rights to the Arizona State Personnel Board.
    - (4) Upon presentation of the letter of suspension, the **EMPLOYEE** shall sign and acknowledge receipt of the letter and indicate the date received. Should the employee not be willing to sign:
      - (a) The **APPROVING AUTHORITY OR DESIGNEE** shall make an indication; and
      - (b) A **WITNESS** shall sign verifying the employee would not acknowledge receipt.
    - (5) The **APPROVING AUTHORITY OR DESIGNEE** shall place a copy of the suspension letter into the employee's official personnel file, supervisors file and field file
      - (a) This suspension letter shall remain there indefinitely unless legal action or grievance resolution dictates that it be removed.
    - (6) The **APPROVING AUTHORITY OR DESIGNEE** shall send a copy of the suspension letter to the Employee Relations Specialist. The **EMPLOYEE RELATIONS SPECIALIST** shall remove the names of employees who are suspended from promotional registers for a period of 12 months effective the date of the suspension.
  - c. Suspensions for Uncovered Employees:
    - i. The **APPROVING AUTHORITY OR DESIGNEE** may suspend an Uncovered Employee for
      - (1) A maximum of 80 hours in full day increments;
      - (2) Serious misconduct, not performance or attendance issues;
    - ii. The **APPROVING AUTHORITY OR DESIGNEE** shall place a copy of the suspension letter into the employee's official personnel file, supervisors file and field file
      - (a) This suspension letter shall remain there indefinitely unless legal action dictates that it be removed.
    - iii. The **UNCOVERED EMPLOYEE** shall have no right of appeal or grievance.
- 5. **Demotion of Covered Employees:**
  - a. An **APPROVING AUTHORITY OR DESIGNEE** in consultation with the agency's Employee Relations Specialist may demote an employee from a position in one class to a position in another class having a lower pay grade provided the employee meets the Knowledge, Skills, and Abilities (KSAs) for such class using the following guidelines:
    - i. The **APPROVING AUTHORITY OR DESIGNEE** shall:

- (1) Provide the employee with a written Notice of Charges;
  - (2) Allow the employee at least three days to respond to the Notice of Charges;
  - (3) After considering the employee's response, choose to continue with the demotion and issue the employee a written statement of the reasons for the demotion or issue lesser discipline;
  - (4) Specify in a final demotion letter the employee's appeal rights to the Arizona State Personnel Board.
- b. Upon presentation of the letter, the **EMPLOYEE** shall sign and acknowledge receipt for the letter and indicate the date received. Should the employee not be willing to sign, the **APPROVING AUTHORITY OR DESIGNEE** shall make an indication and a **WITNESS** shall sign verifying the employee would not acknowledge receipt.
- c. The **APPROVING AUTHORITY** shall send a copy of the letter to the **EMPLOYEE RELATIONS SPECIALIST**. The **EMPLOYEE RELATIONS SPECIALIST** shall remove the names of employees who are demoted from promotional registers for a period of 12 months effective the date of the demotion.
- d. The **APPROVING AUTHORITY OR DESIGNEE** shall place a copy of the demotion letter into the employee's official personnel file, supervisors file and field file
  - i. This demotion letter shall remain there indefinitely unless legal action or grievance resolution dictates that it be removed.

6. **Dismissal:**

- a. Permanent Status Employees:
  - i. The **APPROVING AUTHORITY OR DESIGNEE**, in consultation with the Employee Relations Specialist shall provide the employee with a Notice of Charges letter informing the employee:
    - (1) A dismissal is being considered; and
    - (2) The reasons and grounds for the consideration of dismissal.
  - ii. The **APPROVING AUTHORITY OR DESIGNEE**:
    - (1) May elect to place the employee on administrative leave with pay when they issue the Notice of Charges letter;
    - (2) Shall inform the employee of the opportunity to prepare a written response to the Notice of Charges for submission to the approving authority within three business days, if issued in person, or five business days if sent certified mail, after receipt of the notice, unless extended in writing by the approving authority or designee;
    - (3) May, after considering the employee's response, choose to continue with the dismissal or issue lesser discipline;
    - (4) Shall, upon determination to dismiss the employee, issue a dismissal letter to the employee in person or by certified mail.
- b. Original Probation and Uncovered Employees:
  - i. The **APPROVING AUTHORITY OR DESIGNEE, OR ACADEMY MANAGER/COMMANDER** in consultation with the Employee Relations Specialist shall:
    - (1) Provide the employee with a dismissal letter and an effective date of the action;
    - (2) Not identify a reason for dismissal in the letter or give a reason verbally to the employee;
  - ii. Although not required, it is advised that **SUPERVISORS OR APPROVING AUTHORITIES** have documentation which demonstrates that the employee was aware of the problem areas and was given a reasonable period of time to show improvement, except if there is an offense or incident deemed to warrant immediate release.
  - iii. **ORIGINAL PROBATION EMPLOYEES AND UNCOVERED EMPLOYEES** shall have no opportunity to appeal their dismissal.

## **Chart of Disciplinary Actions**

### **Multiple Infractions**

In cases involving more than one sustained violation, disciplinary action should begin with the most serious violation. Other violations may then be considered as aggravating circumstances when determining the appropriate penalty from within the minimum and maximum recommended range, or each violation may be individually considered and the penalties cumulated.

### **Progressive Discipline**

Grave acts of misconduct may warrant dismissal of an employee without previous counseling, warning, reprimand or other discipline. However, less serious acts of misconduct may warrant the use of progressive discipline, .i.e., lesser to greater discipline, to give the employee a chance to reform his or her conduct. The increasing level of concern expressed through progressive discipline may begin with verbal or written counseling; proceed to written reprimand, suspension for up to eight hours, demotion or dismissal.

A demotion, suspension of more than 40 work hours, or dismissal entitles a covered permanent status employee under A. R. S. 41-785 to appeal to the Arizona State Personnel Board. Suspensions of 40 work hours or less entitle an employee to use the agency's grievance procedure. Accordingly, lesser discipline should generally be imposed first, unless the misconduct is of a grievous nature.

Because one of the primary goals of the procedure is to make discipline uniform and equitable throughout the agency, consideration of the guidelines for corrective action and consideration of both mitigating and aggravating circumstances are essential when determining the level of discipline to be imposed.

The following Chart of Disciplinary Actions is a guide only.

The chart represents penalties to be imposed for the various categories of offenses listed in the Offense Categories Guidelines. This chart indicates the suggested level of discipline, from less serious to more serious, for the offense category and for first, second, and third offenses.

### **CHART OF DISCIPLINARY SANCTIONS**

	<b>First Offense</b>		<b>Second Offense</b>		<b>Third Offense</b>	
<b>Category</b>	<b>Minimum</b>	<b>Maximum</b>	<b>Minimum</b>	<b>Maximum</b>	<b>Minimum</b>	<b>Maximum</b>
<b>1</b>	<b>Verbal Counseling</b>	<b>Reprimand</b>	<b>Written Reprimand</b>	<b>8 Hours</b>	<b>8 Hours</b>	<b>Dismissal</b>
<b>2</b>	<b>Written Reprimand</b>	<b>8 Hours</b>	<b>8 Hours</b>	<b>32 Hours</b>	<b>16 Hours</b>	<b>Dismissal</b>
<b>3</b>	<b>Written Reprimand</b>	<b>24 Hours</b>	<b>8 Hours</b>	<b>80 Hours</b>	<b>24 Hours</b>	<b>Dismissal</b>
<b>4</b>	<b>8 Hours</b>	<b>40 Hours</b>	<b>40 Hours</b>	<b>Dismissal</b>	<b>Dismissal</b>	
<b>5</b>	<b>16 Hours</b>	<b>Dismissal</b>	<b>80 Hours</b>	<b>Dismissal</b>	<b>Dismissal</b>	
<b>6</b>	<b>40 Hours</b>	<b>Dismissal</b>	<b>80 Hours</b>	<b>Dismissal</b>	<b>Dismissal</b>	
<b>7</b>	<b>Dismissal</b>	<b>Dismissal</b>				

## OFFENSE CATEGORY GUIDELINES

### 1. INCOMPETENCE

*"Incompetency" means the employee has demonstrated an inability to perform the duties and responsibilities of the position or the employee has demonstrated that he does not possess the capability or skills necessary to perform the duties of the assigned job. It also includes the absence of a degree, license, certification, or other qualification, required for the position. It also indicates the utilization of poor judgment in the performance of job duties. Examples include but are not limited to:*

- a. Careless or sloppy work; frequent mistakes or errors. **CATEGORY 1**
- b. Failure to complete work assignments. **CATEGORY 1**
- c. Failure to maintain prescribed records or to prepare prescribed reports. **CATEGORY 1**
- d. Failure to take corrective action when warranted. **CATEGORY 3**
- e. Making inappropriate recommendations. **CATEGORY 2**
- f. Improper use, handling, or display of firearms. **CATEGORY 4**

### 2. INEFFICIENCY

*"Inefficiency" means failure to perform the assigned job duties in an organized, accurate and timely manner or to produce the intended results of the assigned job. It includes engaging in activities unrelated to the position, wasting time, energy, materials, and effort. Examples included but are not limited to:*

- a. Wasting time or loitering. **CATEGORY 1**
- b. Failure to keep work area clean and uncluttered, causing a work hazard. **CATEGORY 1**
- c. Misplacement of important documents or property. **CATEGORY 1**
- d. Failure to properly maintain State property or equipment. **CATEGORY 1**
- e. Allowing unauthorized personnel to enter work areas. **CATEGORY 2**
- f. Failure to ensure employees perform required duties. **CATEGORY 2**
- g. Failure to investigate and report actual or alleged incidents of misconduct or violation of written instructions or rules. **CATEGORY 2**
- h. Failure to ensure proper care of Department property and equipment. **CATEGORY 1**
- i. Failure to advise employee of the grievance and appeal process and/or inform the chain-of-command of possible forthcoming complaints or grievances. **CATEGORY 1**
- j. Misuse and/or abuse of supervisory authority or privilege. **CATEGORY 2**
- k. Failure to exercise proper supervision over subordinates or offenders. **CATEGORY 2**
- l. Failure to maintain proper work standards. **CATEGORY 1**
- m. Allowing an offender to escape through carelessness. **CATEGORY 6**
- n. Creating or contributing to unsanitary conditions. **CATEGORY 1**
- o. Disregard of safety rules. **CATEGORY 3**
- p. Restricting output or causing a work slowdown. **CATEGORY 3**
- q. Concealing or covering-up of defective workmanship. **CATEGORY 3**
- r. Failure to make proper notification of sick leave. **CATEGORY 1**
- s. Failure to maintain telephone or other method of delivering messages at residence. **CATEGORY 1**
- t. Failure to notify Department of change of address or telephone number. **CATEGORY 1**
- u. Failing to remain impartial in performing duties during a labor dispute. **CATEGORY 2**
- v. Requesting or obtaining unauthorized legal opinions from the Office of the Attorney General. **CATEGORY 1**
- w. Failure to maintain required uniform. **CATEGORY 1**
- x. Failure to wear appropriate clothing consistent with assigned duties. **CATEGORY 1**

3. **NEGLECT OF DUTY**

*"Neglect of Duty" means to omit, or fail to perform a job duty or performance of a job duty without the usual amount of care or attention to task. It also means inappropriate behavior while on duty including discourteous treatment of coworkers and supervisors, disruption of the work environments and the commission of a felony or misdemeanor. It also means negligent or reckless performance of a job duty or failure to perform a job duty. Examples include but are not limited to:*

- a. Failure to maintain personal appearance appropriate to the job. **CATEGORY 1**
- b. Loss of seized, found, or recovered property by negligence. **CATEGORY 2**
- c. Failure to turn seized, found, or recovered property directly to property custodian, court, or owner. **CATEGORY 2**
- d. Failure to intervene or respond when necessary. **CATEGORY 3**
- e. Inattentiveness to duty. **CATEGORY 1**
- f. Leaving an assigned post while on duty without authorization of a supervisor. **CATEGORY 3**
- g. Failure to report improper activity or violation of this procedure to a supervisor. **CATEGORY 3**
- h. Failure to thoroughly search for and properly collect any available evidence in any arrest or investigation. **CATEGORY 3**
- i. Failure to properly investigate or complete necessary reports. **CATEGORY 2**
- j. Failure to appear for court or a hearing when duly notified or subpoenaed. **CATEGORY 2**
- k. Preferential treatment of subordinates or offenders. **CATEGORY 2**
- l. Undue familiarity or association with offenders or their families. **CATEGORY 3**
- m. Intimate contact or other inappropriate behavior with an offender. **CATEGORY 5**
- n. Sexual contact, oral sexual contact or sexual intercourse with a youth or any offender under the supervision of the Department. **CATEGORY 7**
- o. Sleeping on duty. **CATEGORY 3**
- p. Violation of statutes, rules, or written instructions. **CATEGORY 3**
- q. Using or permitting the use of unnecessary force. **CATEGORY 5**
- r. Failure to perform security functions (security breach). **CATEGORY 5**
- s. Failure to respond to radio call. **CATEGORY 2**
- t. Failure to Discharge Duties - intentionally failing to discharge custodial responsibility provided that failure results in (a) escape of a prisoner or (b) the serious physical injury or death of another person. **CATEGORY 7**
- u. Horseplay. **CATEGORY 3**
- v. Abuse of sick leave. **CATEGORY 1**
- w. Unauthorized disclosure of confidential material such as revelation of restricted or sensitive information, except as authorized, or divulging confidential records or protected information of one person to another, except when necessary to conduct the Department's business. **CATEGORY 4**
- x. Borrowing from or lending to an offender something of value. **CATEGORY 6**
- y. Abusive or profane language. **CATEGORY 3**
- z. Threat of physical violence. **CATEGORY 5**
- aa. Engaging in political or religious discussions that would offend others. **CATEGORY 1**
- bb. Discriminating against or harassing another person because of that person's race, color, sex, religion, national origin, age, political affiliation, sexual orientation, or disability. **CATEGORY 5**
- cc. Use of rude or insulting language, or conduct offensive to others. **CATEGORY 2**
- dd. Physical abuse of an offender. **CATEGORY 6**
- ee. Failure of a supervisor to complete a Performance Appraisal for State Employees (PASE) in timely manner. **CATEGORY 2**
- ff. Intentional non-therapeutic contact with youth and their families within 2 years of release from agency jurisdiction. **CATEGORY 5**

4. **ABSENT WITHOUT LEAVE (AWOL)**

*"Absence without leave" means being absent or away from the work place, without official permission from a person in authority. Examples include but are not limited to:*

- a. Unexcused tardiness. **CATEGORY 1**
- b. One-day AWOL. **CATEGORY 3**
- c. Two days AWOL. **CATEGORY 5**
- d. Three days AWOL. **CATEGORY 7**

5. **INSUBORDINATION**

*"Insubordination" means the knowing refusal or failure to obey an order or a directive, given by a person in authority. This also includes the failure or refusal to perform the employee's job duties as assigned. It also includes the failure or refusal to follow laws, rules, policies, guidelines and procedures. Examples included but are not limited to:*

- a. Failure to carry out a direct, lawful order (or otherwise willful disregard authority). **CATEGORY 3**
- b. Violation of Standards of Conduct for State employees. **CATEGORY 5**
- c. Failure to reply truthfully to any question or request for information in any investigation, hearing, or Departmental concern or procedure. **CATEGORY 7**
- d. Failure to submit to a polygraph/truth verification examination when ordered to do so by the Director or his designee. **CATEGORY 6**
- e. Sexual misconduct on State time and/or involving State property or equipment. **CATEGORY 7**
- f. Refusal to undergo a search of person or property. **CATEGORY 6**
- g. Failure to comply with any court order or judgment, orders, written instructions, and rules. **CATEGORY 3**
- h. Failure to display proper I.D. **CATEGORY 3**
- i. Abusive or profane language. **CATEGORY 3**
- j. Unlawful gambling on State property or while on duty. **CATEGORY 3**
- k. Making or accepting improper solicitation. **CATEGORY 3**
- l. Threats of violence against others. **CATEGORY 5**
- m. Failure to cooperate with other employees or supervisors. **CATEGORY 2**
- n. Unlawful or unauthorized possession of weapons on State property. **CATEGORY 6**
- o. Unauthorized service of legal process. **CATEGORY 3**
- p. Possessing contraband on State property. **CATEGORY 6**
- q. Buying or selling contraband on State property. **CATEGORY 6**
- r. Engaging in unauthorized public appearance. **CATEGORY 2**
- s. Conduct unbecoming an employee of the Department not described elsewhere in this procedure. **CATEGORY 1**
- t. Use of tobacco while engaged in official functions where such use would be obtrusive or offensive. **CATEGORY 1**
- u. Conducting business transactions with a juvenile committed to the Department or the family of such a juvenile. **CATEGORY 4**
- v. Sexual harassment of another person, or discrimination. **CATEGORY 5**
- w. Discussing and sharing confidential internal investigation information. **CATEGORY 3**
- x. Failure to report secondary employment. **CATEGORY 1**
- y. Failure to report an industrial injury requiring medical attention within 24 hours. **CATEGORY 1**
- z. Failure of a supervisor to complete the Industrial Injury Report within 24 hours. **CATEGORY 1**
- aa. Use of tobacco products in the presence of youth or in a non-designated area. **CATEGORY 1**



**6. DISCOURTEOUS TREATMENT OF THE PUBLIC**

*"Discourteous treatment of the public" means a lack of courtesy by an employee towards a person (customer, client, other employee, employee of another state agency or government entity as well as other individuals with whom the employee comes in contact while at work). It includes greeting the person by a rude statement or act; or not showing respect for or toward others. Examples include but are not limited to:*

- a. Discourteous or insulting language. **CATEGORY 1**
- b. Abusive or profane language. **CATEGORY 3**
- c. Threat of physical violence. **CATEGORY 5**
- d. Use of excessive force. **CATEGORY 6**
- e. Engaging in political or religious discussions. **CATEGORY 1**
- f. Discriminating against or harassing another person because of that person's race, color, sex, religion, national origin, age, political affiliation, sexual orientation, or disability. **CATEGORY 5**
- g. Use of rude or insulting language, or conduct offensive to the public. **CATEGORY 2**

**7. MISUSE OR UNAUTHORIZED USE OF STATE PROPERTY**

*"Misuse or unauthorized use of state property" means using state property other than official business and /or using state equipment without proper authority to do so. Examples include but are not limited to:*

- a. Damage to State property - neglect or carelessness. **CATEGORY 1**
- b. Unauthorized destruction of State records. **CATEGORY 5**
- c. Speeding, committing other traffic violations while driving a state owned vehicle, or reckless handling of other State equipment. **CATEGORY 1**
- d. Using Department vehicle for other than official business or for personal use and benefit. **CATEGORY 2**
- e. Involvement in a preventable accident with Department vehicles. **CATEGORY 1**
- f. Deliberate waste of materials or supplies. **CATEGORY 1**
- g. Unlawful removal of State records. **CATEGORY 5**
- h. Improper use of Department communications. **CATEGORY 1**
- i. Intentional damage to State equipment. **CATEGORY 5**
- j. Using State property for personal business. **CATEGORY 1**
- k. Needless abuse or loss of State equipment. **CATEGORY 3**
- l. Improper use of state issue computer per Policy 2205 and Procedure 2205.02. **CATEGORY 1**
- m. Intentionally accessing internet pornography sites while using state computer (A.R.S. 38-448). **CATEGORY 7**

**8. DRUNKENNESS ON DUTY**

*"Drunkenness on duty" means consuming or being under the influence of an intoxicant or other substances while on duty to the extent that the employee's judgment or job performance are impaired. Examples include but are not limited to:*

- a. Knowingly consuming alcoholic beverages while on duty. **CATEGORY 6**
- b. In uniform but off duty, drinking liquor or being intoxicated in public. **CATEGORY 6**
- c. Appearing unfit for duty while under the influence of liquor. **CATEGORY 6**
- d. Being under the influence of alcohol while on duty. **CATEGORY 6**
- e. Driving while under the influence of alcohol while off-duty - first incident. **CATEGORY 3**
- f. Driving while under the influence of alcohol while on-duty. **CATEGORY 7**
- g. Driving while under the influence of alcohol while off-duty - second incident within five years. **CATEGORY 6**

**9. WILLFUL DISOBEDIENCE**

*"Willful disobedience" means intentionally or willfully disobeying a lawful order, directive, statute, regulation, policy, procedure, etc. Examples include but are not limited to:*

- a. Refusal to obey a direct order. **CATEGORY 3**
- b. Refusal to obey a statute, regulation or Departmental written instruction. **CATEGORY 3**
- c. Withholding information from supervisor or other appropriate person. **CATEGORY 3**

**10. ADDICTION TO USE OF A NARCOTIC OR HABIT-FORMING DRUG**

*"Addiction to the use of narcotics or habit-forming drugs" means being dependant on and unable to control the need for and use of narcotics or habit-forming drugs while on duty which results in the employee being unable to properly and effectively perform the duties and responsibilities of the assigned job. It also includes any employee who unlawfully possesses narcotics or habit-forming drugs on state property or while on duty, or who uses any drugs which affects the ability to properly and effectively perform the assigned duties and responsibilities of the job. Examples include but are not limited to:*

- a. Addiction to or use of any drug or narcotic not prescribed by a licensed physician. **CATEGORY 7**
- b. Unlawful possession of, or addiction to, narcotics or drugs. **CATEGORY 7**
- c. Being under the influence of nonprescription drugs while on duty. **CATEGORY 6**
- d. Abuse of a prescription drug prescribed by a physician. **CATEGORY 4**
- e. Driving while under the influence of drugs, while off-duty - first incident. **CATEGORY 3**
- f. Driving while under the influence of drugs, while on-duty. **CATEGORY 7**
- g. Driving while under the influence of drugs, while off-duty - second incident within five years. **CATEGORY 6**

**11. CRIMINAL CONVICTION/STAFF ARREST**

*"Staff arrest" means being arrested or cited by a law enforcement officer for a violation of state statute.*

- a. Conviction of a felony. **CATEGORY 7**
- b. Commission of a felony, or legal action proceeding from commission of, participation in, or involvement in a felony. **CATEGORY 7**
- c. Commission of a misdemeanor involving moral turpitude, or legal action proceeding from the commission of, participation in, or involvement in a misdemeanor involving moral turpitude. **CATEGORY 7**
- d. Commission of a misdemeanor not involving moral turpitude, or legal action proceeding from the commission of, participation in, or involvement in a misdemeanor not involving moral turpitude. **CATEGORY 5**
- e. Failure to report arrest. **CATEGORY 3**
- f. Failure to report the knowledge of the commission of a felony or misdemeanor involving moral turpitude by others. **CATEGORY 6**
- g. Failure to report to supervisor the receipt of a traffic citation while off duty. **CATEGORY 1**
- h. Failure to report to supervisor the receipt of a traffic citation while on-duty. **CATEGORY 1**
- i. Failure to report contact with law enforcement (other than in matters involving routine traffic stops, random automobile stops and road blocks, and other than in cases involving the rendering of assistance to law enforcement) or having been notified that he/she is the subject of a criminal investigation, or that a criminal investigation has proceeded against him/her. **CATEGORY 3**

## **12. IMPROPER POLITICAL ACTIVITY**

***“Improper political activity” means being involved in prohibited political activities. It also includes being involved in allowed political activities while on duty, in uniform or at state expense. Examples include but are not limited to:***

- a. Using any political endorsement in connection with any appointment to a position in the state service. **CATEGORY 2**
- b. Using or promising to use any official authority or influence for the purpose of influencing the vote or political action of any person or for any consideration. **CATEGORY 2**
- c. Becoming a candidate for nomination or election to any paid public office. **CATEGORY 3**
- d. Holding any paid, elective public office. **CATEGORY 3**
- e. Holding such positions as deputy election registrars or positions on election boards, and in all other instances where such appointments are made as representatives of any political party. **CATEGORY 3**
- f. Engaging in any unauthorized political activity, except for expressing an opinion, while on duty, while in uniform or at public expense. **CATEGORY 4**
- g. Soliciting any employee or a member of the Arizona State Personnel Board to engage or not engage in any authorized political activities with direct or indirect use of any threat, intimidation or coercion, including threats of discrimination, reprisal, force or any other adverse consequence including loss of any benefit, reward, promotion, advancement or compensation. **CATEGORY 7**
- h. Subjecting any employee or a member of the Arizona State Personnel Board engaging in authorized political activities to any direct or indirect discrimination, reprisal, force, coercion or intimidation or any other adverse consequence including the loss of any benefit, reward, promotion, advancement or compensation. **CATEGORY 7**
- i. Subjecting any employee or member of the Arizona State Personnel Board who chooses not to engage in any authorized political activity to any direct or indirect discrimination, reprisal, force, coercion or intimidation or any other adverse consequence including the loss of any benefit, reward, promotion, advancement or compensation. **CATEGORY 7**
- j. Advocating or having membership in an organization that advocates overthrow of the government of the United States, or the State, by force, violence or other unlawful means. **CATEGORY 7**
- k. Renouncing of citizenship or allegiance to the United States or the State of Arizona; or the taking of an oath of allegiance or otherwise pledging allegiance to any foreign country or organization that advocates the violent overthrow of the government of the United States or the State of Arizona. **CATEGORY 7**

## **13. DISHONESTY**

***“Dishonesty” means a knowingly dishonest action, statement, or omission by an employee. It includes dishonest statements, actions, or omissions at work. It also includes those committed outside of work which could bring discredit to the State of Arizona. It includes theft, cheating, false oral and written statement, fraud and any action or omission which demonstrates a lack of ethics or integrity. Examples include but are not limited to:***

- a. Stealing, misappropriation of funds or fraudulent activity. **CATEGORY 7**
- b. Intentional untruthfulness. **CATEGORY 7**
- c. Receiving agency reimbursement funds through false pretenses. **CATEGORY 6**
- d. Falsifying State records. **CATEGORY 7**
- e. Accepting or soliciting a bribe or gratuity. **CATEGORY 7**
- f. Making a personal profit from State transactions. **CATEGORY 7**
- g. Making false or unfounded statements (Unintentional). **CATEGORY 1**
- h. Knowingly making a false statement or entry in any Departmental report, record, application, interview, hearing, or judicial proceedings. **CATEGORY 5**
- i. Improper use of ID, badge or position for personal gain. **CATEGORY 3**

#### **14.Fraud in Securing Employment**

***“Fraud in securing appointment” means a deliberate and/or intentional fraudulent act, such as concealment of a conviction of a crime or a misstatement of qualifications on the state employment application material to the hiring decisions. Disclosure of the information would have disqualified the person or lessened his or her value in light of other applicants or potential applicants had the conviction or true qualifications been known at the time of selection. It also includes situations that occur when a person pretends to be who (by name) he or she is not or what (by profession, occupation or title) he or she is not to gain an unfair advantage in securing employment with the State Service. Examples include but are not limited to:***

- a. Willful or negligent falsification of application for employment or other personnel forms. The falsification must deal with a material fact that would have adversely affected the employee's selection. **CATEGORY 7**
- b. Permitting another person to take a portion of the State Service examination for the employee or for someone else or participating in such an examination for another person. **CATEGORY 7**

[illegible]